

BOARD OF APPEALS CASE NO. 008

BEFORE THE

APPLICANT: Harford County/Arthur Gilbert\*

ZONING HEARING EXAMINER

REQUEST: Rezone a 75 foot by 175  
foot parcel from R3 to B2;  
2126 Nuttal Avenue, Edgewood

OF HARFORD COUNTY

Hearing Advertised

HEARING DATE: July 15, 1985

Aegis: 6/13/85 & 6/20/85

Record: 6/12/85 & 6/19/85

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### ZONING HEARING EXAMINER'S DECISION

The Applicant, Harford County, seeks to rezone a 75 foot by 175 foot parcel of land known as 2126 Nuttal Avenue, Edgewood, Maryland, from R3 to B2. During the 1982 Comprehensive Rezoning, the Department did not notify the owner of any proposed change. The Department of Planning and Zoning acknowledges a mistake in the R3 zoning by not recognizing the pre-existing commercial zoning of the property. The subject property is administered with the adjacent corner property zoned B2. Both properties include the lot which is the subject of these proceedings should have B2 zoning.

The Department of Planning and Zoning's Staff Report recites as follows:

"The Department was unaware of the utilization of the parcel in conjunction with the adjacent service station. Without the requested rezoning, the corner lot would be difficult to maintain as a commercial use in the future. While the existing building could be converted to another commercial use, a new structure would have difficulty meeting required setbacks, 25 foot front, 35 foot rear, and 20 foot setback from residential district. Sound planning would seem to indicate that one larger commercial parcel could be better used than these two narrow lots."

The Department admits that the requested rezoning is within the Master Plan.

### CONCLUSION:

The Hearing Examiner finds that a mistake has occurred in the 1982 Comprehensive Rezoning and that the application should be granted.

Date

July 18, 1985



Gregory A. Rapisarda  
Zoning Hearing Examiner